

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOUIS E. GULLEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 17 CV 08209
)	
DR. JONATHAN KELLY,)	Honorable Judge Edmond E. Chang
)	
Defendants)	Honorable Judge Daniel G. Martin
)	
)	

MOTION FOR HIPAA QUALIFIED PROTECTIVE

NOW COME the Defendant, JONATHAN KELLY, by and through his attorneys, BOLLINGER CONNOLLY KRAUSE, LLC, and hereby move for a Qualified Protective Order pursuant to HIPAA and states as follows:

1. Plaintiff has filed a case alleging misconduct by Defendants. Plaintiff specifically claims this misconduct is directly related to certain medical treatments and medication administration.

2. Treating physicians, hospitals and other health care providers disclosed by plaintiff in this case, are all “covered entities” as defined by 45 CFR 160.103. HIPAA prohibits covered entities from disclosing protected health information in judicial proceedings other than by authorization or qualified protective order. 45 CFR Section 164.512(e).

3. These covered entities are all in possession of “protected health information” (“PHI”) as defined by 45 CFR 160.103 and 160.501, in the form of medical records (imaging, test results, insurance documents, notes, orders, labs, correspondence, pathology, etc.) pertaining to Plaintiff, LOUIS GULLEY.

4. Both the prosecution and defense of this case will require that the parties, their

attorneys, their attorneys' agents, consultants and various witnesses and other personnel receive and review copies of the PHI pertaining to Plaintiff, LOUIS GULLEY, which is in the testing providers' possession.

5. In accordance with the Court's Standing Order concerning proposed orders, the undersigned has concurrently submitted the parties proposed HIPAA order via e-mail to the Court.

WHEREFORE Defendants, JONATHAN KELLY, respectfully requests this Honorable Court to enter the proposed order attached hereto permitting the use and disclosure of personal health information created or received by any covered entity who has provided health care to Plaintiff, LOUIS GULLEY, for any purpose connected with the pending litigation, and for such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

By: /s/ Christopher M. Miller
One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018, I caused the foregoing document to be filed electronically with the Clerk of the Court through ECF and a copy of the foregoing document was sent via U.S. Mail to the following party:

Pro Se Plaintiff

Louis E. Gulley
Inmate #B18477
Stateville Correctional Center
P.O. Box 112
Joliet, IL 60434

I hereby certify that on April 13, 2018, I caused the foregoing document to be filed electronically with the Clerk of the Court through ECF and to be served upon all counsel of record by filing the same with the CM/ECF system.

Illinois Department of Corrections
100 W. Randolph St., Ste. 4-200
Chicago, IL 60601
Doc.ilndnotices@doc.illinois.gov

By: /s/ Christopher M. Miller
Attorney for Defendant